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PATENT ATTORNEY'S DOCKET NO.: M0015/7000P1

Express Mail mailing label number <u>EL892263311US</u>	Date of Deposit:: October 31, 2001
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SIR:

TRANSMITTED HEREWITH FOR FILING IS A PATENT APPLICATION OF:

INVENTOR(S): GEORGE H. CLARK AND MARY ANN CLARK

FOR: A CARBONATED FORTIFIED MILK-BASED BEVERAGE AND METHOD FOR SUPPRESSING BACTERIAL FORMATION IN THE BEVERAGE

ENCLOSED ARE:

- [X] A SPECIFICATION AND CLAIMS INCLUDING <u>32</u> PAGES
- [X] DECLARATION AND POWER OF ATTORNEY
- [] __ SHEETS OF INFORMAL DRAWINGS
- ASSIGNMENT OF INVENTION TO _____
- [X] REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
- [] INITIAL INFORMATION DATA SHEET

[X] APPLICANT CLAIMS SMALL ENTITY STATUS. SEE 37 CFR 1.27

FOR	NUMBER FILED		CLAIMS AS FILED NUMBER RATE EXTRA		BASIC FEE \$370.00
TOTAL CLAIMS INDEPENDENT CLAIMS	22 3	-20 -3	2 0	X \$9.00 X \$42.00	\$18.00 \$0.00
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DATE: OCTOBER 31, 2001

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor George H. Clark

Title A Carbonated Fortified Milk-Based Beverage and Method for Suppressing Bacterial Formation in the Beverage

Atty Docket Number M0015/7000P1

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/31/01

Date

Signature

Mark D. Lorusso, Reg. No. 41,955

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO. Assistant Commissioner for Patents, Washington, DC 20231.